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FROM: Kenneth H. Tarbet

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OF PAGES (INCLUDING COVER):

FILE NAME: IBIS0055-100 (IBIS-0403)

DATE: October 2, 2003

FILE #: 139881

| RECIPIENT(S) | PHONE | FAX |
|-----------------------|--------------|--------------|
| Examiner Kahsay Habte | 703-308-4717 | 703-872-9306 |

MESSAGE: OFFICIAL FAX! PLEASE DELIVER TO EXAMINER Kahsay Habte
Serial No.: 10/071,978 Filing Date: February 6, 2002

Attachments: Transmittal form (1 sheet)
Fee Transmittal (1 sheet)
Amendment and Request for Reconsideration (23 Pages)

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PTO/SB/21 (05-03)

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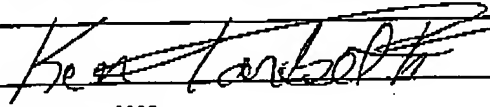
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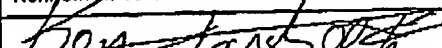
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| | | |
|---|------------------------|--------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/071,978 |
| | Filing Date | February 6, 2002 |
| | First Named Inventor | Eric E. Swayze |
| | Art Unit | 1824 |
| | Examiner Name | Kahsay Habte |
| Total Number of Pages in This Submission | Attorney Docket Number | IBIS0055-100 (IBIS-0403) |

| ENCLOSURES (check all that apply) | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Kenneth H. Tarbet, PTO Regis. No. 43,181 |
| Signature |  |
| Date | October 2, 2003 |

| CERTIFICATE OF MAILING | | | |
|--|---|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted (703.872.9306), to the attention of Examiner Mary M. Schmidt, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Kenneth H. Tarbet | Date | October 2, 2003 |
| Signature |  | | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

Application Number 10/071,978
Filing Date February 6, 2002
First Named Inventor Eric E. Swayze
Examiner Name Kahsay Habte
Art Unit 1624
Attorney Docket No. IBIS0055-100 (IBIS-0403)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit
Account
Number 60-1275

Deposit
Account
Name Cozen O'Connor

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|----------|----------|------------------------|----------|
| 1001 | 770 | 2001 | 385 | | | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | | | Design filing fee | |
| 1003 | 530 | 2003 | 265 | | | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | | | Reissue filing fee | |
| 1005 | 180 | 2005 | 80 | | | Provisional filing fee | |

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 54 | -108 | 0 | 0 |
| Independent Claims | 3 | -5 | 0 |
| Multiple Dependent | | | 0 |

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|--------------|--------------|----------|----------|----------|----------|--|
| 1202 | 18 | 2202 | 9 | | | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | | | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | | | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | | | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | | | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$ 0)

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | | | Surcharge - late filing fee or osth | |
| 1052 | 50 | 2052 | 25 | | | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | | | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | | | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | | | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | | | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 65 | | | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | | | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | | | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | | | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | | | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | | | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | | | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | | | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | | | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | | | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | | | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | | | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | | | Design issue fee | |
| 1503 | 640 | 2503 | 320 | | | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | | | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | | | Processing fee under 37 CFR 1.17 (4) | |
| 1808 | 180 | 1808 | 180 | | | Submission of Information Disclosure Sheet | |
| 8021 | 40 | 8021 | 40 | | | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | | | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | | | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | | | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | | | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0)

SUBMITTED BY

Name (Print/Type) Kenneth H. Tarbet Registration No. 43,181 Telephone 619.685.1708
Signature [Signature] Date October 2, 2003

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#10/B
10/7/03
C. Stele

DOCKET NO.: IBIS-0403(IBIS0055-100)

PATENT

EXAMINING GROUP NO. 1624

Serial No.: 10/071,978

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Eric E. Swayze

Serial No.: 10/071,978

Group Art Unit: 1624

Filed: 02/06/2002

Examiner: Habte, Kahsay

Title: NOVEL BENZIMIDAZOLE COMPOUNDS

Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to facsimile number 703-872-9306 on the date shown below.

On October 2, 2003

Ken Tarbet Reg. No. 43,181

BOX NON-FEE

Commissioner for patents
PO BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION

In response to the Office Action mailed July 2, 2003 in connection with the above-identified patent application, Applicants respectfully request that the application be amended as follows.

Amendments to the Application begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3.

Remarks/Arguments begin on page 20 of this paper.